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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/080,306	02/21/2002	Steven Callahan	2275/2	1153

7590 04/24/2003

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[REDACTED] EXAMINER

VASUDEVA, AJAY

ART UNIT	PAPER NUMBER
3617	

DATE MAILED: 04/24/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.	10/080,306	Applicant(s)	CALLAHAN, STEVEN
Examiner	Ajay Vasudeva	Art Unit	3617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on \_\_\_\_ .
- 2a) This action is FINAL.                  2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_ is/are allowed.
- 6) Claim(s) 1-11 and 13-17 is/are rejected.
- 7) Claim(s) 12 and 18 is/are objected to.
- 8) Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on \_\_\_\_ is: a) approved b) disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_ .
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3.
- 4) Interview Summary (PTO-413) Paper No(s). \_\_\_\_ .
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_

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## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. Some references in applicants information disclosure statement (IDS) filed 06 August 2002 have been crossed out because either a copy of such have been misplaced in the file or have not been provided by the applicant, and therefore have not been considered.

For a reconsideration of the above mentioned references, applicant may resubmit a new IDS form for such references on a separate sheet of paper.

### ***Specification***

2. On page 1 (line 2), after “filed March 29, 2000”, insert -- , now US Patent # 6,367,404 --

### ***Claim Objections***

3. Claim 10 is objected to because of the following informalities:

On the last line of the claim, after “joint when”, delete “in”.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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5. Claims 1-9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

(A) In claim 1 (line 9), use of “said mating bulkhead sections” (emphasis added) is indefinite as it lacks proper antecedent basis in the claim. Further, it is not clear if such are same of different from the mating bulkhead elements set forth in line 4 of the claim.

(B) In claim 1 (line 15), use of “the rigid bow and stern elements” (emphasis added) is indefinite as it is not clear if such are same or different from the rigid bow and stern sections set forth in line 3 of the claim.

(C) In claim 1 (line 15), use of “the gunwale” is indefinite as it lacks proper antecedent basis in the claim.

(D) In claim 1 (line 15), use of “the topmost portion” is indefinite as it lacks proper antecedent basis in the claim.

#### *Claim Rejections - 35 USC § 103*

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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7. Claims 10, 11, and 13-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson ('202) in view of Nusinoff and Kutsi.

Johnson ('202) shows a folding rigid boat (figure 1), having a hull comprised of complementary rigid bow and rigid stern sections, and transversely-extending bulkhead elements. Hinges [43] are provided for pivotally connecting the bulkhead elements together for permitting the bow and stern sections to be folded onto themselves into a storage configuration and away from each other into an unfolded use configuration. Waterproofing means [23] are provided that are carried by the bow and stern sections, and are unconnected to and independent of the hinges. The mating bulkhead sections are joined together to form a centrally-disposed joint defining a single bulkhead extending along the joint;

Johnson ('202) is silent on the provision of flexible topsides secured to the hull, or sole compartments sealable against water intrusion.

Nusinoff shows attachment of flexible topsides secured to the hull (figure 2).

It would have been obvious for one skilled in the art at the time of the invention to have secured flexible topsides to the hull of Johnson ('202), as taught by Nusinoff. Attaching such flexible topsides would have been advantageous as it would protect the gunwale of the boat against damaging contact with docks or other boats. Further, attaching such topsides would provide an upwardly extending freeboard to the hull.

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Kutsi shows a seat structure enclosing an air tank [24] (figure 3).

It would have been obvious for one skilled in the art at the time of the invention to have provided the seat of Johnson ('202) with an air tank, as taught by Kutsi. Providing such an air tank within the seat structure would provide a sole compartment sealable against water intrusion to define a double bottom with the hull, and would have been advantageous as it would provide additional buoyancy to the boat if it were to capsize.

***Allowable Subject Matter***

8. Claims 1-9 would be allowable if claim 1 is rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action.

It is noted that the prior art does not show or suggest a folding rigid boat having complementary rigid bow and rigid stern sections with respective mating bulkhead joined together to form a centrally-disposed joint defining a single bulkhead; complementary hinge elements pivotally connecting the mating bulkhead elements together for permitting the bow and stern sections to be folded onto themselves into a storage configuration and away from each other into an unfolded use configuration; flexible topsides secured to the hull for providing rigidity to the hull in an unfolded use configuration; and the bulkhead extending upwardly above the gunwale and below the topmost portion of the topsides, as claimed in claim 1.

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9. Claims 12 and 18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

*Conclusion*

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Ingram, Murphree, Johanson, Loucks, Yelderman, Meinen, Curbow, Johnson, Covington, Kirby, Speranza, Brumfield, Scholle, Steensen, Fridge, Larsson et al., Carter, Dittrich, Jackson, Pinter, Sr. et al., Olson, GB 2317591, EP 0392436, GB 2219770, FR 2513210, SU 0918166, GB 1571612, DE 2822182, and AU 0028809 show folding boats or their components.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ajay Vasudeva whose telephone number is (703) 306-5992.

AV

April 18, 2003



S. JOSEPH MORANO  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600